He also offered Evidence to the Jury that the said William Kelly entered into the said part of Land so to him conveyed and was thereof seised as the Law requires and that from the time of the said Award being made as aforesaid the said Christopher Randall and the said William Kelly held occupied and claimed on the west side of the Division line fixed by the said Arbitrators and up to that line and the said Samuel Owings and Urith his Wife and the Lessor of the Plaintiff have respectively held and occupied on the East side of the said Line and up to that Line until the Commencement of this suit, And the Defendant offered Evidence that the said whole tract is rightly located on the platt in this cause beginning at the black lettered according to the second Location of the said Land made thereon by the Plaintiff and Defendant and that the divisional Line established by the said Arbitrators is truly located on the said Land from the figures sixty seven by sixty eight to sixty six, The Plaintiff also offered Evidence that Samuel Owings aforesaid the father of the Lessor of the present plaintiff departed this life in April 1775 and that the said Urith departed this Life in December 1791 and that the Lessor of the plaintiff is the eldest son and heir of the said Samuel and Urith and that the said Samuel after the death of the said Urith entered upon the part of the said Tract so to the said Urith devised and was seised thereof as the Law requires, And the Defendant prayed the Direction of the Court to the Jury, upon the evidence aforesaid "That altho the said Samuel and Urith his wife were seized in the right of the said Urith of an Estate Tail in the Land so devised to the said Uriah yet as no Line to divide between the respective Land by the said will devised to the said Christopher and Urith was in the said will directed or prescribed The said Samuel had a right to fix upon a Division between the said Christopher and him the said Samuel and his said wife and on a mode by which the said Division should be made and that if the said Division was under all Circumstances reasonable should not contain precisely, the quantity, of one hundred acres but some small quantity more even tho' that quantity, should amount to Eight acres but the Court were of opinion that the said Samuel Owings the Husband could not by any agreement entered into by him or any acquiesence in the possession of the Defendant or of those under whom he claims prejudice the title of the said Urith his wife or of those claiming under her they therefore refused to give the direction prayed as

as above And the defendant also prayed the further direction of the Court to the Jury, that if the Jury should under all circumstances be satisfied that the Courses meets and bounds as settelled by the said Arbitrators run at that period when the Lands were in woods and uncultivated, did according to the then running, contain not more than one hundred Acres The Division ought not now to be impeached or set aside altho' by a more accurate running at this period when a great part of the Lands are cleared those Lines, meets and bounds contain one hundred and Eighty acres But the Court were of opinion that the Courses meets and bounds as settled by the arbitration and run at that period could not Contain neither more or Less than the same courses meets and bounds do at the present period, refused to give the said direction To which opinions of the court the Defendant by his counsel prayed leave to except, and that the Court here would sign and seal this his bill of exceptions according to the form of the Statute in such cases made and provided &c.

R. Goldsborough (Seal)
G. Duvall (Seal)

And thereupon the said William Kelly by Luther Martin his attorney aforesaid prays an appeal from the Judgment aforesaid so as aforesaid rendered to the High Court of Appeals of the State aforesaid and the same is granted unto him.

It is therefore ordered by the Court here that the record and proceedings aforesaid between the parties aforesaid with all things thereunto relating be transmitted to the said High Court of Appeals of the State aforesaid and the same are ~~hereby~~ transmitted to the same court accordingly.

Test John Gwinn Clk.

IN. Zachariah McCubbin against DD. Edward Norwood	Be it remembered, that heretofore, to wit, on the Eleventh day of August in the year of our Lord one thousand seven hundred and ninety four the Plaintiff by James Winchester his attorney

sued out of our General Court the writ of the State of Maryland of Capias ad respondendum directed to the sheriff of Baltimore County in the words and figures, following, to wit.

The State of Maryland, sc. To the sheriff of Baltimore County, greeting. We command you that you take Edward Norwood late of Baltimore County Gentleman otherwise called Edward Norwood of Baltimore County, if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of our General Court, to be held at the City of Annapolis